

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**GLORIA JEAN DIXON,**

Plaintiff,

V.

**ILLINOIS DEPARTMENT OF  
NATURAL RESOURCES, et al.,**

Defendants.

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Civil No. **02-1208-CJP**

**ORDER**

**PROUD, Magistrate Judge:**

By separate order filed April 28, 2006, plaintiff Dixon's motion for a new trial was denied. Plaintiff's appointed counsel has informally inquired about whether plaintiff would be entitled to appointed counsel on appeal.

A review of the record raises questions about plaintiff's pauper status. The financial affidavit plaintiff submitted in support of her request to proceed in forma pauperis in the District Court was not notarized as required. **(Doc. 3)**. Subsequent documentation submitted by plaintiff indicates she has a credit card and cash funds, which were not reflected in her affidavit. **(Doc. 18)**. Furthermore, during trial plaintiff testified that she owns a home and is presently holding down two part-time jobs— she was unemployed when she initially applied for pauper status. **(Transcript, Vol. II, pp. 45, 145 and 150)**. Plaintiff's financial situation may have materially changed since her initial affidavit, which would call into question whether plaintiff would be able to proceed on appeal as a pauper. **See Fed.R.App.P. 24(a)(3)**.

Federal Rule of Appellate Procedure 24(a)(3)(A) provides that, before or after the notice of appeal is filed, the district court can certify that a party is not entitled to continue to proceed as a pauper. In the event plaintiff Dixon elects to file a notice of appeal, she should *not* presume her pauper status will continue on appeal. In accordance with Federal Rule of Appellate Procedure 24(a)(1), plaintiff *should* file a motion in the district court for leave to proceed in forma pauperis on appeal, and include the required affidavit (Form 4 of the Appendix of Forms to the Federal Rules of Appellate Procedure).

**IT IS SO ORDERED.**

**DATED: April 28, 2006**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**